

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

ANGELA SALAZAR o/b/o J.M.,  
a minor child,

Plaintiff,

v.

Case No.

1:21-CV-00751-KK-JHR

RIO RANCHO PUBLIC SCHOOLS  
BOARD OF EDUCATION, GEORGE  
ARCHULETA in his individual  
capacity, and JOHN DOE #1  
in his individual capacity,

Defendants.

\_\_\_\_\_/

**ZOOM DEPOSITION OF JOSEPH MARTINEZ SALAZAR**

Friday, July 29, 2022

Albuquerque, New Mexico

PURSUANT TO THE NEW MEXICO RULES OF CIVIL  
PROCEDURE, this deposition was:

TAKEN BY: JERRY A. WALZ, ESQ.  
ATTORNEY FOR THE DEFENDANTS

REPORTED BY: TERI WARD, RPR, CCR #549  
PAUL BACA COURT REPORTERS  
500 4th Street, Suite 105  
Albuquerque, New Mexico 87102

**EXHIBIT R**

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<p>1 following up with a question, but it's important we 2 don't talk over each other. 3 Do you understand that? 4 A. I do. 5 Q. Okay. And you also understand that you 6 took an oath that this is the same as if there's a 7 jury sitting there in the audience or a judge, and 8 your testimony is to be given to the best of your 9 ability and knowledge and under oath. 10 Do you understand that? 11 A. I do. 12 Q. All right. Well, let me start out right 13 off the bat and ask you a question. Did you witness 14 a shooting that occurred at school when you were 15 15 years of age? 16 A. Yes, I did. 17 Q. Okay. Can you amplify or tell me about 18 that? 19 A. I couldn't -- I couldn't recall what 20 grade I was in, but I remember it was Valentine's 21 Day, and me and my friend Daniel were on the bus, 22 and we were just doing our normal routine, you know 23 what I mean? We get to school, we were going to the 24 bathroom, wash our face or whatever. 25 And we saw one of our other friends</p> <p style="text-align: right;">Page 10</p>	<p>1 said you were 15 years old at the time. What grade 2 would you have been if you were 15? 3 A. I believe I would have been in my 4 freshman or sophomore year. 5 Q. And what school are we talking about? 6 A. It would be Sue Cleveland. 7 Q. And you said you were with your friend 8 Daniel, are you talking about Daniel Mondragon? 9 A. I am. 10 Q. Now, prior to that shooting incident, 11 had you or Daniel, to your knowledge, participated 12 in some Instagram messages or social media messages 13 indicating that there might be a fight between rival 14 groups and kids would be bringing a strap to the 15 fight? 16 MR. BULLION: Form. Foundation. And 17 Joe, at various points in time, I may make 18 objections as to what's called the form of the 19 question or foundation. You should go ahead and 20 answer the question, unless I specifically tell you 21 not to answer a question. Okay? 22 THE WITNESS: Okay. 23 BY MR. WALZ: 24 Q. Okay. So go ahead and answer, please. 25 A. No. I believe there was no messages up</p> <p style="text-align: right;">Page 12</p>
<p>1 there so we started walking down the hall together, 2 and we were getting towards I guess you could say 3 the cafeteria area and the other restroom area, and 4 we were talking, and I remember I was just stunned 5 for a second. I remember hearing was that a 6 firecracker? 7 And it clicked in my head that it was a 8 gunshot that just went off, and I looked to my 9 right, and Daniel was, the only way I could describe 10 it, is frozen, and I kind of yanked him by his 11 collar and he shook out of it, and I was like let's 12 go, and we started running. 13 And as I soon as I got outside, I got on 14 the phone with my mom and I'm like mom, I need you 15 to come get us, like something just happened at 16 school. And all I remember is seeing literally 17 everybody running, security, all the students, 18 teachers. 19 Q. Okay. Well, let's break this down a 20 little bit. You covered quite a bit of ground here. 21 You don't remember what grade you were in when the 22 shooting occurred? 23 A. I -- I don't think so. I don't recall 24 my grade. 25 Q. I think I saw some note, I think, that</p> <p style="text-align: right;">Page 11</p>	<p>1 there initially. 2 Q. Did you ever see any Instagram messaging 3 at all that alluded to a potential gang fight with 4 Daniel and yourself being on one side and some other 5 students being on another? 6 A. No, definitely not. 7 Q. You're saying that under oath? Never 8 heard of that? 9 A. Yes. 10 Q. Okay. Did anybody ever threaten you or 11 -- regarding physical violence your freshman or 12 sophomore year? 13 A. I guess you could say that. 14 Q. Well, it's not me saying that. I'm 15 asking you what is your memory and recollection? 16 A. Yes. 17 Q. Who threatened you? 18 A. I could not recall names. Just other 19 people in my grade. 20 Q. Okay. Were you threatened on a regular 21 basis? 22 A. Yeah. 23 Q. And did you take the threats seriously? 24 A. No, to be honest. I don't -- 25 Q. What --</p> <p style="text-align: right;">Page 13</p>

<p>1 A. I don't live in fear, I guess you could 2 say that.</p> <p>3 Q. I'm sorry, how did you say that at the 4 end?</p> <p>5 A. I don't -- I don't like to view myself 6 as living in fear. I wouldn't say I was scared or 7 anything.</p> <p>8 Q. Was this a rival group of students that 9 were making these threats to you?</p> <p>10 A. That's -- that's how the school board 11 put it. That's how all my referrals came out. They 12 said that there was a group of individuals that were 13 trying to conduct some I guess you could say 14 unworthy stuff to do in school or however you would 15 want to put it.</p> <p>16 Q. Okay. You said school board. Did you 17 know anybody on the school board at -- well, let's 18 start at any time have you ever known a school board 19 member?</p> <p>20 A. No.</p> <p>21 Q. Have you ever seen any kind of a memo, 22 written communication from the school board to you, 23 your mother or anyone else?</p> <p>24 A. I believe not.</p> <p>25 Q. Then why did you just say school board</p> <p style="text-align: right;">Page 14</p>	<p>1 I get that last name again? Mr. --</p> <p>2 MR. WALZ: Affentranger. It's 3 A-f-f-t-r-a-n-g-e-r (sic).</p> <p>4 THE COURT REPORTER: Thank you.</p> <p>5 MR. WALZ: It's kind of hard. I had 6 struggled with it myself.</p> <p>7 THE COURT REPORTER: Thank you.</p> <p>8 MR. WALZ: You're welcome.</p> <p>9 BY MR. WALZ:</p> <p>10 Q. Okay. So let's go back here and kind of 11 walk me through this, this whole bus trip and then 12 being at school and the gunshot. I need to break it 13 down a little bit or -- in my questions because I 14 wasn't there. So did you know there was going to be 15 a shooting that day?</p> <p>16 A. Definitely not.</p> <p>17 Q. Did you have any hint that there might 18 be one?</p> <p>19 A. No.</p> <p>20 Q. All right. Did you find out the name of 21 the student or students that were involved in the 22 shooting?</p> <p>23 A. I do not recall his name, but I had had 24 a class with him previously.</p> <p>25 Q. Was that the only shooting that you've</p> <p style="text-align: right;">Page 16</p>
<p>1 in your answer just a minute ago?</p> <p>2 A. I wouldn't say I know a lot of 3 information about the people in the office or 4 anything like that, but I would say that I don't 5 know if I would call them the school board, but 6 that's how I refer to them.</p> <p>7 Q. Okay. Well, I'm trying to figure out 8 when you say "school board," who are you referring 9 to specifically?</p> <p>10 A. Mr. Affentranger.</p> <p>11 Q. And do you think he's on the school 12 board?</p> <p>13 A. I would assume.</p> <p>14 Q. Okay. Do you know him in any other 15 capacity?</p> <p>16 A. No.</p> <p>17 Q. You don't know whether he was a 18 principal of the high school?</p> <p>19 A. Besides him being a principal, I didn't 20 -- I didn't know anything other than that.</p> <p>21 Q. Okay. So you don't have any idea if he 22 was actually on the school board, do you?</p> <p>23 A. No.</p> <p>24 Q. Okay.</p> <p>25 THE COURT REPORTER: And I'm sorry, can</p> <p style="text-align: right;">Page 15</p>	<p>1 ever been at or near in your lifetime?</p> <p>2 A. Yes.</p> <p>3 Q. Would you agree that that was pretty big 4 news there at Cleveland High School when the student 5 got shot?</p> <p>6 A. I would say so.</p> <p>7 Q. And everybody was talking about it, 8 right?</p> <p>9 A. From what I remember, there was -- there 10 was a lot of people talking about what happened at 11 Cleveland.</p> <p>12 Q. Sure. That's pretty important if you 13 have a shooting on campus at a high school, right?</p> <p>14 A. Yes.</p> <p>15 Q. And you cannot tell me the name of that 16 student that got shot right now?</p> <p>17 A. No, I couldn't.</p> <p>18 Q. Is there a reason you can't?</p> <p>19 A. There -- there -- I actually believe 20 there was no one wounded. I was right behind him 21 when the gun went off, and I remember there being 22 shrapnel from it hitting the brick in the wall.</p> <p>23 Q. So you were right -- you said you were 24 right behind him?</p> <p>25 A. Yes.</p> <p style="text-align: right;">Page 17</p>

1 Valencia?  
 2 A. A week ago.  
 3 Q. In person or by electronic  
 4 communication?  
 5 A. In person.  
 6 Q. Where at?  
 7 A. I believe we were at his house.  
 8 Q. Well, were you at his house or you just  
 9 believe you were at his house?  
 10 A. I mean, it's just the complex. I would  
 11 assume he lives there.  
 12 Q. How often do you see Andres?  
 13 A. I couldn't say. Once in a while.  
 14 Q. Can you give me a ballpark what that  
 15 means?  
 16 A. Maybe like once a week, if that.  
 17 Q. Does Daniel ever go to any of these  
 18 times that you get together with Andres?  
 19 A. Does who?  
 20 Q. Daniel Mondragon.  
 21 A. No. Me and Daniel don't talk as much as  
 22 we used to.  
 23 Q. Do you still maintain contact with  
 24 Gabriel Garcia Marcus?  
 25 A. Yes.

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1 Q. How frequently?  
 2 A. Maybe like every other week.  
 3 Q. And where do you have contact with him?  
 4 A. It's not a specific place. Sometimes  
 5 the yard.  
 6 Q. Sometimes where, Joseph, I'm sorry?  
 7 A. The yard. His parents own a tow yard.  
 8 Q. Okay. What about Ryan Rodriguez, do you  
 9 keep in touch with him?  
 10 A. Yes.  
 11 Q. Yes or no?  
 12 A. Yes.  
 13 Q. All right. Were you familiar with any  
 14 charge or allegation that Andres Valencia brought a  
 15 weapon to the school?  
 16 A. No. Definitely not.  
 17 Q. In fact, were you not questioned by  
 18 security as to whether Andres had brought a weapon  
 19 onto campus, but you refused to cooperate with the  
 20 investigation?  
 21 A. That's -- that's definitely  
 22 misinformation. I wasn't questioned about that, and  
 23 the other thing that I was questioned about was they  
 24 chalked it up to gang affiliation.  
 25 Q. Who is "they"?

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1 A. I guess you could say Mr. Affentranger,  
 2 yeah.  
 3 Q. Did Mr. Affentranger interview you or  
 4 something?  
 5 A. Yes.  
 6 Q. When did this occur?  
 7 A. I guess you could say there was --  
 8 security said there was a situation, and the day  
 9 after, I got called into the office -- well,  
 10 technically, we all did -- and Mr. Affentranger  
 11 continued to pretty much get me to I guess you could  
 12 say comply with the story that he had in mind.  
 13 And I told him that I'm not going to  
 14 agree with something that is not true, essentially,  
 15 and he chalked it up to that being me -- me being  
 16 insubordinate, and he gave me a referral and this  
 17 extra stuff.  
 18 Q. When you say that we were called into  
 19 the office, who's "we"?  
 20 A. I guess you could say me and my friends  
 21 about the situation.  
 22 Q. Can you identify them?  
 23 A. I really couldn't. There was a whole  
 24 lot of people there. It's like there was over 30  
 25 people. I definitely couldn't identify all those.

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1 Q. Did they all attend as a group or how  
 2 did that come about, do you know?  
 3 A. I wouldn't say a group. We were all  
 4 getting lunch, but we were walking to the usual spot  
 5 we eat lunch at, which is the building in the middle  
 6 of the school, and from what I heard the next day,  
 7 is there was a situation that ensued between one of  
 8 my friends and somebody else or some people from my  
 9 friend group and somebody else. I'm not really sure  
 10 what conversation they were talking about, but he  
 11 seemed really persistent on making his point.  
 12 Q. Was there another fight?  
 13 A. They said -- they said that there was  
 14 going to be a fight, but no, there was never no  
 15 fight.  
 16 Q. And as a result of insubordination, did  
 17 you get a short suspension from school?  
 18 MR. BULLION: Form. Foundation.  
 19 THE WITNESS: Yeah, I believe I did.  
 20 BY MR. WALZ:  
 21 Q. Do you know Marcus Anquiano (phonetic)?  
 22 A. I don't know who that is.  
 23 Q. Okay. What about Siempre Menos  
 24 (phonetic)?  
 25 A. Yes.

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<p>1 Q. How do you know Siempre Menos?</p> <p>2 A. He became a friend I guess you could say</p> <p>3 early on in Cleveland.</p> <p>4 Q. Okay. Laius Martinez, did you know him</p> <p>5 during this period of time?</p> <p>6 THE COURT REPORTER: I'm sorry, what was</p> <p>7 the first name?</p> <p>8 MR. WALZ: Laius. It's -- yeah, it's</p> <p>9 kind of a weird spelling. It's L-a-i-u-s.</p> <p>10 THE COURT REPORTER: Okay.</p> <p>11 MR. WALZ: And it's pronounced Laius.</p> <p>12 THE COURT REPORTER: Thank you.</p> <p>13 MR. WALZ: You're welcome.</p> <p>14 BY MR. WALZ:</p> <p>15 Q. Did you know Laius Martinez?</p> <p>16 A. Yes.</p> <p>17 Q. Would he be in what we talked about or</p> <p>18 in the group that you were affiliated with?</p> <p>19 A. Yeah.</p> <p>20 Q. And what about Daniel Mondragon?</p> <p>21 A. Yeah.</p> <p>22 Q. Now, did this cafeteria fight that we</p> <p>23 discussed involving Gabriel Marcus and James</p> <p>24 Rodriguez, did that occur before or after this</p> <p>25 incident where we started the deposition where</p> <p style="text-align: right;">Page 66</p>	<p>1 Q. Okay. Well, let me just read you a</p> <p>2 couple of these names, and if you don't know, we'll</p> <p>3 -- we will take a look. Wayne Segura (phonetic).</p> <p>4 Does that help you?</p> <p>5 A. No.</p> <p>6 Q. It doesn't? Okay. What about Ervin</p> <p>7 Marcus Miranda (phonetic), does that help you with</p> <p>8 Ervin's last name?</p> <p>9 A. No.</p> <p>10 Q. Okay. Well, let me ask you this, and</p> <p>11 what I -- what I can do is I can't screen share</p> <p>12 right now because I don't have that capability, but</p> <p>13 I am going to send this over to counsel during the</p> <p>14 lunch hour, and I'll ask you some specific</p> <p>15 questions. But I guess for definitional purposes,</p> <p>16 do you know what a strap is?</p> <p>17 A. Yes.</p> <p>18 Q. What is it?</p> <p>19 A. I guess you could say it's a -- it's a</p> <p>20 firearm.</p> <p>21 Q. Do you know if Daniel was ever known in</p> <p>22 any discussions you had with him that he was being</p> <p>23 considered a snitch by another group that did not</p> <p>24 like him?</p> <p>25 MR. BULLION: Foundation. Form.</p> <p style="text-align: right;">Page 68</p>
<p>1 Joshua brought the handgun to school and discharged</p> <p>2 it?</p> <p>3 A. I'm really not sure if it was before or</p> <p>4 after. I don't recall.</p> <p>5 Q. Okay. Do you know a student by the name</p> <p>6 of Wayne that you went to school with during your</p> <p>7 freshman year?</p> <p>8 A. Say that name again.</p> <p>9 Q. Wayne. I don't know his last name. I</p> <p>10 don't have it right in front of me.</p> <p>11 A. That don't sound familiar.</p> <p>12 Q. And, of course, we just talked about</p> <p>13 Andres. What about --</p> <p>14 A. Yes.</p> <p>15 Q. -- a fellow by the name of Ervin?</p> <p>16 A. That don't sound familiar either.</p> <p>17 Q. And you do know Daniel, right?</p> <p>18 A. Yes.</p> <p>19 Q. Did Daniel ever tell you about some</p> <p>20 Instagrams that involved a conversation where he was</p> <p>21 part of between Wayne, Andres, Ervin and Daniel?</p> <p>22 MR. BULLION: Form.</p> <p>23 THE WITNESS: Definitely not because I'm</p> <p>24 still not sure who Wayne is.</p> <p>25 BY MR. WALZ:</p> <p style="text-align: right;">Page 67</p>	<p>1 THE WITNESS: Not that I could recall.</p> <p>2 BY MR. WALZ:</p> <p>3 Q. So when you say you can't recall, you're</p> <p>4 not saying that it didn't happen, you just don't</p> <p>5 recall?</p> <p>6 A. Yeah, I don't know that. I'm not sure.</p> <p>7 Q. Were you ever aware of any social media</p> <p>8 activity, in particular Instagram, where there was a</p> <p>9 discussion of a potential gang fight involving</p> <p>10 Wayne, Andres, Ervin, Daniel and others jumping in</p> <p>11 for the gang fight?</p> <p>12 A. Definitely not.</p> <p>13 Q. Now, did you wear any specific type of</p> <p>14 clothing generally, T-shirts or whatnot, whenever</p> <p>15 you're going to school at Rio Rancho?</p> <p>16 A. The shirt you see and some joggers.</p> <p>17 Q. Okay. It looks like there's three</p> <p>18 skeletons on it.</p> <p>19 A. No.</p> <p>20 Q. No, in school. Not right now.</p> <p>21 A. I'm not sure what you're talking about.</p> <p>22 Q. Okay. Maybe I can -- maybe I can show</p> <p>23 you this real quick. See if I can get it to focus.</p> <p>24 MR. BULLION: Wait, hold on. It's a</p> <p>25 blur on our screen.</p> <p style="text-align: right;">Page 69</p>

1 had with them?  
 2 A. Just a lot of the same issues I was  
 3 having at Cleveland we would -- they would be saying  
 4 I would be doing one thing and then it's word --  
 5 it's my word against theirs, and then it's just a  
 6 situation from there that pretty much unravels.  
 7 Q. What do you recall them telling you that  
 8 they thought you were doing?  
 9 A. This is a very -- this is a very good  
 10 one. There was a particular incident that happened  
 11 to where I got expelled from that school, and I  
 12 couldn't really -- I couldn't really come to a  
 13 conclusion of why. Me and that teacher I had  
 14 mentioned had actually talked about it, too, and he  
 15 couldn't come to a conclusion of why she did it  
 16 either.  
 17 But there was this, I guess you could  
 18 call an aide. It was a woman in our classroom that  
 19 would help out, and, you know, me and her never had  
 20 any problems. We would talk once in a while about  
 21 just, you know, normal stuff about school and grades  
 22 or whatever, and one day we were outside coming --  
 23 coming up from lunch, coming up from outside, and I  
 24 remember I got in the building and everything was  
 25 normal that day, and then I got to school the next

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1 day, and my teacher told me that security was  
 2 waiting for me, and I thought that was kind of odd.  
 3 So I asked for what reason, and they  
 4 told me that they couldn't say anything until I was  
 5 down there. So I followed them down, and then they  
 6 eventually told me that the aide had said that I had  
 7 -- I had hit her or something of that nature, and  
 8 you know what I mean, I was pretty flabbergasted at  
 9 that point. Like, we never had any problems or  
 10 anything so I don't know why she would accuse me of  
 11 something like.  
 12 So I believe -- I believe it was -- I'm  
 13 not sure exactly what you would call it, but there  
 14 was a judge there in a room with my principal, and  
 15 there was I guess you could say a portion of the  
 16 meeting where we were reviewing camera footage from  
 17 outside, and the evidence that they provided, the  
 18 camera footage was only one angle, which is also  
 19 another reason I didn't understand because they have  
 20 multiple cameras outside, and it pretty much came  
 21 down to what I told you earlier. It's my word  
 22 against theirs and just, you know, they expelled me  
 23 for it.  
 24 Q. Okay. Well, we need to unpack a lot of  
 25 information there, and thank you for your

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1 thoroughness. The teacher's aide you said was  
 2 female, correct?  
 3 A. Correct.  
 4 Q. Can you give me approximate age at that  
 5 time of this female aide?  
 6 A. I would say around 50 or 60.  
 7 Q. So it was an older lady, right?  
 8 A. Yes, correct.  
 9 Q. And I know that we talked about genders  
 10 or ethnicity before. Do you know or can you recall  
 11 what you believe the ethnicity of this 50 to  
 12 60-year-old woman to be?  
 13 A. I'm not sure. She had -- her skin was a  
 14 lighter tone, so I would lead to believe that she  
 15 was Hispanic or something of that nature.  
 16 Q. And from what I hear you saying, the  
 17 allegation was made that you -- that you found out  
 18 that she claimed that you struck her or hit her  
 19 somehow?  
 20 A. Yes.  
 21 Q. Where did you allegedly strike her or  
 22 hit this lady?  
 23 A. That -- they didn't even tell me  
 24 anything other than I had allegedly put my hands on  
 25 her. That's the only information that they gave.

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1 Q. Okay. I'm trying to figure out putting  
 2 hands on somebody is still touching, but was an  
 3 allegation made that you struck or hit her as you  
 4 would traditionally think where you hit her or  
 5 punched her?  
 6 A. Yes.  
 7 Q. Now, I haven't met you personally, but I  
 8 understand you're a pretty big guy. What's your  
 9 current height and weight?  
 10 A. I'd say like six-four, six-five, 2  
 11 something, 250, something like that.  
 12 Q. Okay. And, of course, that's now today.  
 13 But thinking back to mid school, I understand you  
 14 were still a pretty big young man even then; is that  
 15 right or am I wrong?  
 16 A. That's correct. But I was definitely  
 17 littler, I guess you could --  
 18 Q. Well, okay, we'll go with that. But can  
 19 you kind of estimate whenever you were alleged to  
 20 have struck this 50 to 60-year-old teacher's aide  
 21 female what your height and weight was back then?  
 22 A. It would have had to have been around I  
 23 think like five-eight, five-nine and like probably  
 24 around like 200, something like that.  
 25 Q. Would you agree that you were a pretty

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21 (Pages 78 - 81)



<p>1 big guy for that age group even back when you were 2 in mid school? 3 A. Yes. 4 Q. Okay. So what grade were you in when 5 you allegedly struck this teacher's aide? 6 A. I believe it was my seventh or eighth 7 grade year. 8 Q. Okay. Now, you said that there was 9 apparently some meeting or a hearing with a judge. 10 A. Yes. 11 Q. Was this a -- a judge that we would 12 think of in the traditional sense who sits as an 13 officer of the court and presides over a hearing or 14 is this some type of, if you know, of appointed 15 judge by agreement that just comes and does the 16 hearing? Do you know? 17 A. I am -- I'm really not sure. 18 Q. Did the participants call him judge or 19 Your Honor during the hearing? 20 A. I -- I don't recall. 21 Q. Where was this -- I'm using the word 22 hearing. I think you said hearing, but would you 23 call what -- when you attended this -- well, was it 24 a hearing? 25 A. From my understanding, I believe that it</p> <p style="text-align: right;">Page 82</p>	<p>1 were witnesses being sworn in? 2 A. No. 3 Q. No? 4 A. No. Nothing like that. 5 Q. How long did this hearing take? 6 A. I'd say maybe an hour, hour and 30. 7 Q. Do you know if it was tape recorded or 8 video'ed? 9 A. I believe they did tape record it. 10 Q. And again, this is at Mountain View? 11 A. Yes. 12 Q. Did this lady testify, the one that 13 claimed that you struck her? 14 A. No. That's -- that's one part I didn't 15 understand. 16 Q. Did you -- did you testify? 17 A. No. 18 Q. You said that there was some camera 19 footage. Did I hear you right? 20 A. Yes. 21 Q. Did you see the footage during the 22 hearing? 23 A. I did. 24 Q. Did you put hands on her or strike her? 25 A. In the footage, it was -- the footage</p> <p style="text-align: right;">Page 84</p>
<p>1 was a hearing. 2 Q. Did you have an attorney? 3 A. I don't believe so. 4 Q. Again, when we ask -- or get that answer 5 you don't believe so, you're not saying you didn't 6 have an attorney, you just don't believe you had 7 one; is that right? 8 A. Yeah. I don't believe so. 9 Q. Was your mother present for this 10 hearing? 11 A. Yes. 12 Q. Who else, can you tell me, was present? 13 A. The principal, it was another lady 14 there, and then the other lady, the judge, if you 15 will. I'm not sure exactly who she is to the case 16 or -- 17 Q. Okay. And again, I don't want to get 18 hung up, but when you say judge, could it have been 19 a hearing officer of some sort? 20 A. Yes, it could have been. 21 Q. Were -- did anybody testify? 22 A. I don't -- I don't think so. I believe 23 not. 24 Q. You don't remember being sworn in like 25 you were at the beginning of your deposition and</p> <p style="text-align: right;">Page 83</p>	<p>1 was very, very old. Whatever type of cameras that 2 they had it was very blurry and meshed together and 3 pixilated. It was -- you could essentially barely 4 see our two figures in the shot. 5 Q. So could you tell by looking at the 6 video, even though it was in that kind of condition, 7 could you see whether or not you struck or put hands 8 on this lady? 9 A. Definitely not. That's also another 10 thing I didn't understand. They also had one camera 11 angle when they have multiple cameras outside. 12 Q. Okay. I don't want to be demeaning or 13 anything, but you're not any kind of expert on 14 camera angles or what cameras were working or not 15 working back then, were you? 16 A. I mean, I definitely know when a camera 17 is on, but I wouldn't say I'm no expert. 18 Q. The footage that you did see, did it 19 show you -- excuse me -- close proximity to this 20 lady? 21 A. Yes, we were -- we were both close 22 together on the footage. 23 Q. Well, thinking back independently of 24 what happened, do you have any independent 25 recollection as to what your interaction with this</p> <p style="text-align: right;">Page 85</p>

<p>1 lady was?</p> <p>2 A. I just -- the only thing that I can</p> <p>3 remember that day of -- towards that situation was</p> <p>4 when we were walking up from the field, I remember</p> <p>5 me and my friends were talking to her. I don't</p> <p>6 remember anything other than that. But when we got</p> <p>7 inside, it was all normal. Like, she didn't mention</p> <p>8 anything or nothing. That's why I thought it was</p> <p>9 strange that the next day, I mean, they had said all</p> <p>10 these things.</p> <p>11 Q. Let me ask you this, did you put hands</p> <p>12 on this lady or strike her?</p> <p>13 A. Definitely not.</p> <p>14 Q. Who are these friends that were with</p> <p>15 you, that were walking with you at that time?</p> <p>16 A. I couldn't -- I couldn't name exactly</p> <p>17 who was there, but a lot of the same, a lot of the</p> <p>18 same people that I have around still.</p> <p>19 Q. Okay. Well, let me help you out with</p> <p>20 the -- throw out some names and you tell me if you</p> <p>21 remember. What about Daniel Mondragon?</p> <p>22 A. We hung out a lot in middle school so I</p> <p>23 wouldn't doubt if he was out there.</p> <p>24 Q. And what about Laius Martinez?</p> <p>25 A. No. I didn't -- I had not known Laius</p> <p style="text-align: right;">Page 86</p>	<p>1 A. No, I wasn't arguing. We were -- like I</p> <p>2 said, I'm pretty sure we were all having a</p> <p>3 conversation, but I couldn't recall what it was</p> <p>4 about.</p> <p>5 Q. You don't know if there was any</p> <p>6 hostility or any of your friends poking fun at this</p> <p>7 lady?</p> <p>8 A. No, definitely not.</p> <p>9 Q. So is it your belief that she just made</p> <p>10 up this whole scenario after getting along with you</p> <p>11 during the year that out of the clear blue she just</p> <p>12 claims that you struck or hurt her?</p> <p>13 A. That's -- that's the big thing that I</p> <p>14 didn't understand about it. We had -- me or none of</p> <p>15 my friends had ever had a issue with her. Like, she</p> <p>16 had subbed for other classes that I had had</p> <p>17 sometimes, and we had never had no issues before so</p> <p>18 that was the one thing that struck me as very odd.</p> <p>19 I'm like, I don't see why we would have an issue now</p> <p>20 after this much time.</p> <p>21 Q. Okay. Joseph, have you ever seen this</p> <p>22 lady again after completing mid school?</p> <p>23 A. No.</p> <p>24 Q. After the hearing, was that towards the</p> <p>25 beginning of the year, middle of the year or towards</p> <p style="text-align: right;">Page 88</p>
<p>1 since we were in Cleveland.</p> <p>2 Q. What about -- what about Ryan Rodriguez?</p> <p>3 A. I would also believe that he -- he would</p> <p>4 have been out there.</p> <p>5 Q. And Gabriel Marcus?</p> <p>6 A. Also, yes.</p> <p>7 Q. Andres Valencia?</p> <p>8 A. That one's a possibility, yeah.</p> <p>9 Q. Okay. Were you and your -- this group</p> <p>10 that we've gone through before going back even to</p> <p>11 middle school, do you think that looking back now</p> <p>12 that you and your friends were either threatening or</p> <p>13 menacing this 50, 60-year-old woman?</p> <p>14 MR. BULLION: Form.</p> <p>15 THE WITNESS: Definitely not, especially</p> <p>16 back then. Definitely not.</p> <p>17 BY MR. WALZ:</p> <p>18 Q. Well, we have -- I'm not -- I'm going to</p> <p>19 one maybe extreme time, but do you think you were</p> <p>20 engaged with some kind of enjoyable conversation</p> <p>21 during a nature walk with her or something?</p> <p>22 MR. BULLION: Form.</p> <p>23 THE WITNESS: No.</p> <p>24 BY MR. WALZ:</p> <p>25 Q. You were arguing with her, were you not?</p> <p style="text-align: right;">Page 87</p>	<p>1 the end of the year?</p> <p>2 A. I'd say it was probably like the end of</p> <p>3 the year.</p> <p>4 Q. After the hearing, did you -- did you</p> <p>5 ever see her again?</p> <p>6 A. No.</p> <p>7 Q. And as we've talked through this a</p> <p>8 little bit, can you remember her name now?</p> <p>9 A. It's -- it's in my head. I would have</p> <p>10 to think real hard about it.</p> <p>11 Q. Well, if it comes to you at any time</p> <p>12 during the deposition, even if we're on another</p> <p>13 question, just say Mr. Walz, I remember the name and</p> <p>14 come up with it. Will you do that if you remember</p> <p>15 the name?</p> <p>16 A. Yes, I will.</p> <p>17 Q. Do you remember the name of the homeroom</p> <p>18 teacher for whom this lady was a teacher's aide?</p> <p>19 A. I believe the only one was the teacher I</p> <p>20 spoke about, Mr. Barber.</p> <p>21 Q. Okay. Did you have any other write-ups</p> <p>22 or disciplinary offenses that you recall that</p> <p>23 occurred when you were still in middle school?</p> <p>24 A. No.</p> <p>25 Q. Were you written up at all for misuse of</p> <p style="text-align: right;">Page 89</p>

23 (Pages 86 - 89)



<p>1 could think of is the head coach, and now that I'm 2 thinking about it, I recall his -- we would call him 3 Mr. Young or something like that. 4 BY MR. WALZ: 5 Q. Okay. 6 A. Coach Young. 7 Q. And how many times do you think he was 8 present when you were searched? 9 A. Maybe ten, if that. 10 Q. Okay. And we'll try to locate him. Do 11 you know if he's still with the school district? 12 A. I'm not sure. 13 Q. Okay. And other than him, Daniel 14 actually was never present with you when you were 15 searched ever, was he? 16 A. No. 17 Q. Okay. If Daniel has a number or some 18 information that's because that would have been 19 information you would have told him, right? 20 A. No. 21 MR. BULLION: Form. 22 BY MR. WALZ: 23 Q. What do you mean no? How would Daniel 24 know -- 25 A. It's something he would have gained from</p> <p style="text-align: right;">Page 126</p>	<p>1 Q. And when this happened, was there any 2 witness present at the time? 3 A. No. 4 Q. So it's just your word that you claimed 5 that you were searched twice inappropriately by 6 George Archuleta? 7 MR. BULLION: Form. 8 THE WITNESS: Correct. 9 BY MR. WALZ: 10 Q. And did both those searches occur in 11 your sophomore year? 12 A. Yes. 13 Q. Nothing happened your junior year? 14 A. Not that I can recall. 15 Q. Or senior year? 16 A. Not that I can recall. 17 Q. Now, was one of the disciplinary 18 infractions, Joseph, your sophomore year, we talked 19 a little bit about it before was for the body 20 punching that you and Daniel were engaged in? 21 A. Yes. 22 Q. I'm looking at a report or statement 23 assigned 2/21/19. So that's February 21, 2019. And 24 I'll read it to you verbatim. It's very short by 25 Daniel Mondragon.</p> <p style="text-align: right;">Page 128</p>
<p>1 himself. We had talked about us being searched and 2 -- 3 Q. Okay. 4 A. -- you know, it was a normal thing. It 5 was quite weird, honestly. 6 Q. Okay. Did you report these searches 7 some 40 to 50 searches during your sophomore year to 8 your mother? 9 A. Yes. 10 Q. Now, when you told her about these 11 searches, we talked about this before, the only 12 search or searches that you claimed were 13 inappropriate touching was with George Archuleta, 14 right? 15 A. Correct. 16 Q. And how many times did that occur? Was 17 it like -- well, I don't want to put words in your 18 mouth. How many times do you think Mr. Archuleta 19 touched you in an inappropriate manner during a 20 search? 21 A. I'd say about twice. 22 Q. Okay. Two times? 23 A. Correct. 24 Q. Okay. That's it? 25 A. Correct.</p> <p style="text-align: right;">Page 127</p>	<p>1 Voluntary statement: Me and Joe were 2 just throwing hands in the bathroom and both of us 3 hit each other in the face. 4 Do you think that that's a correct 5 statement? 6 A. I'd say that's yes, somewhat accurate. 7 Q. I'm sorry? 8 A. I'd say that is somewhat accurate. 9 Q. Well, tell me what part you'd like to 10 add to or delete. 11 A. Two people getting hit in the face. I 12 don't -- I don't believe that was part of what 13 happened. 14 Q. Did you hit Daniel in the face? 15 A. Yes. 16 Q. Okay. And did he hit you in the face? 17 A. No. 18 Q. He never hit you in the face? 19 A. I don't -- I don't believe so. I'm not 20 positive. 21 Q. Okay. Well, tell us how that whole 22 thing got started and what happened, then. 23 A. Essentially, it was another regular day, 24 and we get off the bus, and we see one of our 25 friends who we start walking in the hallway, and I</p> <p style="text-align: right;">Page 129</p>

<p>1 don't remember what conversation was being had, but  2 we were getting -- we were getting I guess you could  3 say closer to the other bathrooms, and Daniel said  4 something to I guess you could say our acquaintance  5 or friend.  6 He said something to him, and I was  7 like, yo, what do you mean because it was about me,  8 right? He was talking to our friend about me. So I  9 asked Daniel what he meant by, what do you mean,  10 what he told our friend, and he's like -- he was  11 pretty much trying to make it seem like essentially  12 if it were to come down to it, me and him fighting,  13 that he -- he could take me or something along those  14 lines, right?  15 And I told him, I'm like, yo, first of  16 all, why would you say something like that, you feel  17 me? We're homeboys, like, it would never go there,  18 but like why would you say something like that? And  19 he's like oh, no, bro, like I was just kidding, this  20 and that, you know what I mean? It wasn't really  21 nothing.  22 And then we went to the next bathroom,  23 and our other friend had left, the third-party  24 person had left, and it was just me and him in there  25 and I was -- you know what I mean, we were having a</p> <p style="text-align: right;">Page 130</p>	<p>1 something about the bus, and then I went to first  2 period, and then they left. And then during my  3 first period, I -- security came down and got me.  4 Q. Were you suspended from school?  5 A. I don't -- I don't think so. I think I  6 had --  7 Q. Did you have to provide a written  8 statement?  9 A. No, the statement was from them.  10 Q. I'm sorry?  11 A. The statement was from them on the  12 referral.  13 Q. And what was the referral?  14 A. I think it was for like roughhousing or  15 something like that. Something along those lines.  16 Q. Did you have to go and eat lunch with  17 the vice principal for a few days?  18 A. No.  19 Q. Do you know if Daniel had to receive  20 medical treatment for the fight?  21 A. No.  22 Q. Do you know if he did get medical  23 treatment?  24 A. I have no idea. He -- he never  25 mentioned it like that to me. We even talked after</p> <p style="text-align: right;">Page 132</p>
<p>1 conversation, and I'm like yo, like it was out of  2 pocket. Like for what reason would you try to tell  3 somebody, even for any reason, like why would you --  4 why would you bring something like that into the  5 conversation?  6 And he's like oh, no, I was just joking.  7 I was like, I feel you, but like that's disrespect  8 at the same time, you know what I mean? And -- and  9 he's like it's cool. And he's like we can throw --  10 we can go bodies if you want. And he's like no face  11 shots, though. And I was like, you know what I  12 mean, I'm all about respect, you know what I mean?  13 And he said no facial, and I said that's cool.  14 So we started doing our thing, right,  15 and at one point in I guess you could say the  16 altercation we were against you could say the stalls  17 in the bathroom, and I guess you could say he snuck  18 a cheap one in there, and now that I'm mentioning  19 it, I think it was a face shot. And then it just --  20 it just went from there. And then security walked  21 in, and that's how it happened.  22 Q. Okay. Did Daniel drop a vape device in  23 the bathroom, too, while he was in there?  24 A. I'm not sure. I remember security  25 coming in asking what happened, and then Daniel said</p> <p style="text-align: right;">Page 131</p>	<p>1 the fact.  2 Q. Were you in -- your sophomore year --  3 other classes with Daniel?  4 A. I don't think me and Daniel had any  5 classes. I think me and him just showed up at lunch  6 pretty much.  7 Q. Did you ever hear Daniel use foul  8 language and back talk to any coaches or school  9 personnel?  10 A. I mean, I would assume, but I'm not  11 going to say for sure without knowing, so I'm not  12 sure.  13 Q. Did you ever have any kind of sports or  14 physical education you used to call it with a woman  15 coach that taught hockey?  16 A. Hockey? I don't believe -- I don't  17 believe I know what you're talking about. I think I  18 know the coach, though.  19 Q. Well, let me ask you this, did you and  20 Daniel talk about how you got along with staff and  21 personnel your sophomore year?  22 A. Not really about getting along with  23 staff. More or less just what was happening  24 throughout the days.  25 Q. Did you ever hear Daniel or did he tell</p> <p style="text-align: right;">Page 133</p>

<p>1 that George Archuleta had touched you 2 inappropriately? 3 A. I did not. 4 Q. To your knowledge, did Daniel Mondragon 5 ever report to Ron that George Archuleta had touched 6 Daniel inappropriately? 7 A. Not of -- not of anything I know. 8 Q. Okay. Not to your knowledge, right? 9 A. Exactly. 10 Q. Okay. And Ron, was he there your 11 sophomore year? 12 A. Yes. 13 Q. And as I understand these two incidents 14 when Mr. Archuleta touched you inappropriately, both 15 of them happened your sophomore year? 16 A. Correct. 17 Q. But not your freshman year? 18 A. No. 19 Q. And then did there come a point when you 20 were attending Cleveland where you took notice or 21 learned that Mr. Archuleta was no longer working 22 there? 23 A. Yes. 24 Q. And how did you learn that? 25 A. Through word of mouth.</p> <p style="text-align: right;">Page 186</p>	<p>1 simple. 2 Q. So your recollection, as you sit here 3 today under oath, is you said the word "yo," just 4 something very simple like that? 5 A. Yes, something simple. Correct. 6 Q. Nothing more elaborate than that? 7 A. I believe not. 8 Q. And the first incident with 9 Mr. Archuleta, I know you testified earlier you 10 reported, I got the feeling one of these to the 11 principal, Mr. Affentranger. Did you just report 12 one of these incidents to the principal? 13 A. Yes, I believe it was one. 14 Q. And did you report that after the first 15 or second incident with Mr. Archuleta? 16 A. I believe it was after the second. 17 Q. All right. The second incident with 18 Mr. Archuleta where you said, quote, he tried to 19 grab everything, end quote, did you respond or 20 verbalize anything to Mr. Archuleta when that 21 occurred? 22 A. I don't believe so. 23 Q. Did you physically try to resist in any 24 way when he did that? 25 A. No, I stepped into the hallway.</p> <p style="text-align: right;">Page 188</p>
<p>1 Q. And did you learn during your junior 2 year? 3 A. No. 4 Q. Earlier, during your sophomore year? 5 A. No. 6 Q. When? 7 A. I had learned this after I was no longer 8 attending Cleveland. 9 Q. And when did you stop attending again? 10 A. I believe it was at the end of my junior 11 year. 12 Q. All right. When Mr. Walz was 13 questioning you on the first incident where 14 Mr. Archuleta acted inappropriately and you gave a 15 lot of details on this -- I'm not going to go over 16 them again -- but you said Mr. Archuleta touched 17 your left testicle? 18 A. Correct. 19 Q. And then you testified when you were 20 asked that, you said something to him. Did I write 21 that down correctly? 22 A. Correct. 23 Q. And what did you say? 24 A. I think I said something like -- like, 25 yo, or something like that. It was something</p> <p style="text-align: right;">Page 187</p>	<p>1 Q. Explain. 2 A. When I felt I guess you could say the 3 uncomfortableness, I -- I stepped -- I removed 4 myself from the room. I stepped forward into the 5 office and I kind of took back a step and I looked 6 at him, and he kind of had no remorse in his face, I 7 guess you could say. 8 Q. And when that happened, you were already 9 in the hallway? 10 A. Correct. 11 Q. Okay. And then you said there's a lot 12 of traffic, it's busy in that hallway? 13 A. No. 14 Q. It isn't? 15 A. No. 16 Q. Okay. And when Mr. Archuleta searched 17 you these two times inappropriately, how far away 18 was the security video room? 19 A. It's literally I guess you could say a 20 door's length. If I were standing towards the room, 21 it would be a door length away to my right. 22 Q. And again, I've never been there, but -- 23 and then the administrators' offices, where are they 24 located in relation to this security supply room 25 where you and Mr. Archuleta were?</p> <p style="text-align: right;">Page 189</p>